

CANNON BUILDING  
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**STATE OF DELAWARE**  
**BOARD OF PHARMACY**

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<b>PUBLIC MEETING NOTICE:</b>	<b>BOARD OF PHARMACY</b>
<b>DATE AND TIME:</b>	<b>Wednesday, November 19, 2014 9:30 am</b>
<b>PLACE:</b>	Conference Room A, 2 <sup>nd</sup> Floor Cannon Building 861 Silver Lake Blvd., Dover, DE 19904
<b>APPROVED:</b>	January 21, 2015

**MEMBERS PRESENT**

Kenneth Sellers, Public Member, President  
Susan Esposito, R.Ph., Professional Member, Vice President  
Kimberly Robbins, R.Ph., Professional Member  
Bonnie Wallner, R.Ph., Professional Member  
Joli Martini, R.Ph., Professional Member  
Tejal Patel, PharmD, Professional Member  
Hooshang Shanehsaz, R.Ph., Professional Member  
Jay Galloway, Public Member

**MEMBERS ABSENT**

None

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

David W. Dryden, R.Ph., J.D., Executive Secretary  
Eileen Kelly, Deputy Attorney General  
Christine Mast, Administrative Specialist III  
Michelle McCreary, Pharmacist Compliance Officer

**ALSO PRESENT**

Jaime Frink  
Suzanne Raab-Long  
Don Holst  
Jay Patel  
Charlotte Lopacki  
Stephen Maylie  
Nancy Sawyer  
Ann Campagna  
Matt VenDovern  
Janis Levit  
Jill Spivey  
Tiffany Sorey  
Cheryl Heiks

Jinesh Mukundan

### **CALL TO ORDER**

Mr. Sellers called the meeting to order at 9:30 a.m.

### **REVIEW OF MINUTES**

A motion was made by Ms. Martini, seconded by Ms. Patel, to approve the meeting minutes for October 15, 2014 as amended. The motion unanimously carried.

### **PRESIDENT'S REPORT**

Mr. Seller's welcomed Hooshang Shanehsaz to the board. Mr. Sellers began with a discussion regarding robbery and the safe guards in place to help protect and prevent stolen drugs. Mr. Dryden stated that pharmacies are provided with guidance to follow after a robbery has occurred as well as guidelines on requirements and specifications of safes to be housed within the pharmacy. The board discussed current policies and procedures in place at their respective locations and provided feedback regarding Mr. Seller's concerns.

Mr. Seller's appointed Tejal Patel to replace Sandy Robinson on the following committees: Nursing Joint Practice Committee (prescriptive authority), and the Medical Physician Assistant Committee (prescriptive authority). Ms. Patel accepted the appointments.

### **UNFINISHED BUSINESS**

#### **Complaint Status**

13-03-11 – Assigned to Hearing Officer  
13-09-11 – Assigned to Hearing Officer  
13-12-11 – Forwarded to Office of Attorney General  
13-19-11 – Forwarded to Office of Attorney General  
13-09-12 – Assigned  
13-01-13 – Forwarded to Office of Attorney General  
13-02-13 – Assigned  
13-03-13 – Assigned  
13-04-13 – Forwarded to Office of Attorney General  
13-05-13 – Assigned  
13-06-13 – Forwarded to Office of Attorney General  
13-07-13 – Assigned  
13-08-13 – Assigned  
13-09-13 – Assigned  
13-11-13 – Forwarded to Office of Attorney General  
13-13-13 – Forwarded to Office of Attorney General  
13-14-13 – Assigned  
13-15-13 – Assigned  
13-16-13 – Assigned  
13-17-13 – Assigned  
13-18-13 – Assigned  
13-19-13 – Assigned  
13-20-13 – Assigned  
13-21-13 – Assigned  
13-22-13 – Assigned  
13-23-13 – Assigned  
13-24-13 – Assigned

#### **Re-Review of Proposal to Deny**

None

Proposal to Deny Hearing

Concierge Compounding was scheduled for a hearing to propose to deny their application @ 9:40 am. The hearing was held as scheduled. A motion was made by Ms. Martini, seconded by Mr. Galloway to approve the application, Ms. Esposito and Ms. Robbins opposed. The motion carried.

Re-Review of Tabled Applications

None

Final Denial of Application

None

Review of Practitioner/Pharmacy Ownership

No Report

Re-Review of CPR Course – Emergency University, Ca.

Mr. Galloway reported that he had been in contact with Emergency University and there are online courses available with skills review via video feed. The board discussed online versus hands on feedback received from peers. The board made a motion to amend the rules and regulations to add “Hands on Curriculum” to regulation 14.1.1 the motion was made by Ms. Martini, seconded by Ms. Esposito. The motion carried unanimously. The board Deputy Attorney General Eileen Kelly will draft the proposed changes for review during the next scheduled meeting.

DEA Federal Rules for Disposal

Mr. Dryden presented the board with the federal guidelines regarding disposal. The board reviewed the guidelines and a motion was made by Ms. Esposito seconded by Mr. Galloway to add regulation 5.1.14.3 addressing disposal. The motion unanimously carried.

**NEW BUSINESS**

Mr. Sellers read into the record the following ratifications.

Pharmacist and Intern Licensure Approval Ratifications

<b>Pharmacist:</b>	A1-0004694	Dawit M. Yifru
	A1-0004695	Maria Jeanne Lanser
	A1-0004696	Marx A. Twumasi
	A1-0004697	Duncan Joseph Runyon
	A1-0004698	Erika N. Bronk
	A1-0004699	Jae Hyun Park
	A1-0004700	Tovonnia Wachet Collins
	A1-0004701	Uday J. Gohel
	A1-0004702	Sally M. Abbonizio
	A1-0004703	Jennifer M. Demeno

A motion was made by Ms. Martini, seconded by Ms. Patel to approve the ratification of the Pharmacist applications. The motion unanimously carried.

**Pharmacist Intern:** A7-0002379 Ryan Scott Greenley

A motion was made by Ms. Martini, seconded by Ms. Patel to approve the ratification of the Pharmacist applications. The motion unanimously carried.

Non-Resident Pharmacy Licensure Approval Ratifications

	A9-0001526	VIP Pet Meds, Inc
	A9-0001527	Precision Rx Compounding LLC
	A9-0001528	North Beaches Pharmacy, Inc.
	A9-0001529	Walgreen Pharmacy Services Midwest, LLC

A9-0001530	1st Choice Pharmacy, LLC
A9-0001531	North Huntingdon Medical Inc. dba Norwin Pharmacy
A9-0001532	Estonna Management, LLC
A9-0001533	PSG of Sarasota, LLC
A9-0001534	InnovativeRx Gulf Coast Pharmacy, Inc.
A9-0001535	Executive Pharmacy
A9-0001536	Marian Respiratory Care, Inc
A9-0001537	Walgreen Pharmacy Services Midwest, LLC
A9-0001538	Millennium Pharmacy Systems, Inc.
A9-0001539	Blair Pharmacy, Inc.
A9-0001540	Pine Pharmaceuticals LLC
A9-0001541	Physician Specialty Pharmacy
A9-0001542	Kaba Fusion, Inc.

A motion was made by Ms. Esposito, seconded by Mr. Galloway to approve the ratification of the Non-Resident Pharmacy applications. The motion unanimously carried.

#### Wholesale Distributor Licensure Approval Ratifications

A4-0001499	Dubin Medical, Inc
A4-0002123	Bausch and Lomb, Inc.
A4-0002124	Bausch and Lomb, Inc.
A4-0002125	Bausch and Lomb, Inc.
A4-0002126	McKesson Medical-Surgical Inc.
A4-0002127	WellGistics, LLC
A4-0002128	Eq Detroit, Inc.
A4-0002129	Tolmar Pharmaceuticals, Inc.
A4-0002130	Tolmar Pharmaceuticals, Inc.
A4-0002131	DMS Pharmaceutical Group, Inc.
A4-0002132	Medi-Nuclear, LLC
A4-0002133	Prescript Pharmaceuticals, Inc.
A4-0002134	Smith Medical Partners, LLC
A4-0002135	BMTM Services, Inc.
A4-0002136	MWI Veterinary Supply Co, dba IVESCO

A motion was made by Ms. Esposito, seconded by Mr. Galloway to approve the ratification of the Wholesale Distributor applications. The motion unanimously carried.

#### Medical Gas Dispensers

A2-0000112	Home MediService, Inc.
A2-0000113	Verus Healthcare, LLC

A motion was made by Ms. Esposito, seconded by Mr. Galloway to approve the ratification of the Medical Gas Dispensers applications. The motion unanimously carried.

#### Retail Pharmacy Licensure Approval Ratification

A3-0000650	Target Store T-1146
A3-0000975	Delaware CVS Pharmacy, LLC #10375
A3-0000976	Delaware CVS Pharmacy, L.L.C. #3231

A motion was made by Ms. Esposito, seconded by Mr. Galloway to approve the ratification of the Retail Pharmacy applications. The motion unanimously carried.

#### Retail Pharmacy Temporary Licensure Approval Ratification

None

#### Outsourcing Facility

AA-0000001	Edge Pharmacy Services, LLC
AA-0000002	Pine Pharmaceuticals LLC

A motion was made by Ms. Esposito, seconded by Mr. Galloway to approve the ratification of the Outsourcing Facility applications. The motion unanimously carried.

#### Pharmacist-In-Charge Interviews

Ms. Robbins conducted a PIC interviews with:

Jinesh Mukundan, ShopRite Pharmacy #589 Wilmington, De.

Stephen Maylie, Target #1146 Brandywine, De

A motion was made by Ms. Esposito, seconded by Mr. Galloway to approve the amending the agenda to add: Jay Patel for PIC Interview. The motion unanimously carried.

Jay Patel, Walgreens #11011

#### Consultant Pharmacist Interviews

Charlotte Lopacki, New Castle Pharmacy

#### Board Review and Consideration of Consent Agreement

None

#### Review of Applications by DAG

Pharmacy board DAG Eileen Kelly provided guidance on the following disciplinary actions for applications received followed by the board ruling:

Facility: Millennium Pharmacy Systems, a motion was made by Ms. Robbins, seconded by Ms. Esposito to approve the application. The motion carried.

Facility: Medline Industries, Inc., a motion was made by Ms. Martini, seconded by Ms. Wallner, to approve the application. The motion unanimously carried.

Facility: Genoa Healthcare of New Jersey, a motion was made by Ms. Esposito, seconded by Ms. Martini, to approve the application. The motion unanimously carried.

Facility: DermaTran Health Solutions, a motion was made by Ms. Robbins, seconded by Ms. Martini, to approve the application. The motion unanimously carried.

Facility: Factor Support Network Pharmacy, a motion was made by s. Martini, seconded by Ms. Robbins, to approve the application. The motion unanimously carried.

Facility: Hi-Tech Pharmacal Co., a motion was made by Ms. Robbins, seconded by Ms. Martini, to approve the application. The motion unanimously carried.

Facility: Bound Tree Medical, a motion was made by Ms. Esposito, seconded by Ms. Martini, to approve the application. The motion unanimously carried.

Facility: Smith Medical ASD , a motion was made by Ms. Martini, seconded by Ms. Esposito to approve the application. The motion carried.

Facility: Asclemed dba: Enovachem Manufacturing, a motion was made by Ms. Robbins, seconded by Ms. Martini to approve the application. The motion carried.

Facility: Par Sterile Manufacturing, a motion was made by Ms. Robbins, seconded by Ms. Esposito to table the application. The motion carried.

#### Review Request for Termination of Probation

Paul O Ojewoye petitioned the board requesting the lifting of his probation per his board order; a motion was made by Ms. Martini, seconded by Ms. Esposito to approve the request. The motion carried.

### CE Approval Requests

NASCA Conference 13.75 CE requested by David Dryden, Michelle McCreary, and Samantha Nettesheim, a motion was made by Ms. Esposito, seconded by Ms. Robbins to approve the request. The motion carried.

NABP Board Executive Meeting 5 CE requested by David Dryden a motion was made by Ms. Robbins, seconded by Ms. Patel to approve the request. The motion carried.

### COMMITTEE REPORTS

**Legislative** – Joli Martini, Jay Galloway, Kim Robbins, Tejal Patel and David Dryden

Deputy Attorney General Eileen Kelly expressed concerns with current statute concerning disciplinary sanctions need to be broadened and updated to facilitate public protections. The board agreed to review these concerns, Ms. Kelly will present the board with proposed changes during the next scheduled meeting.

**Continuing Education** – Joli Martini, Bonnie Wallner, Tejal Patel and David Dryden:

No Report

**Consumer Affairs** – Ken Sellers and Jay Galloway:

No Report

**Professional Liaisons** – Kim Robbins and Tejal Patel:

Ms. Patel attended the Delaware Pharmacy Society meeting held November 18, 2015. She updated the board regarding open positions at DPS and their upcoming schedule of events.

**Controlled Substance Liaisons** – Kenneth Sellers, Tejal Patel, Jay Galloway and David Dryden:

No Report

**Prescription Safety Committee** - This will be newly formed committee to address Transition of Care, Mandatory Consultation, and Electronic Pharmacy records. Mr. Sellers will determine during the next scheduled meeting who will be selected as committee members based on interest from members of the board and stake holders.

### COMMITTEE UPDATES REGARDING PROPOSED REGULATIONS

**USP 795 & 797 Committee** – Sandy Robinson, Tejal Patel, Brenda Pavlic, Hooshang Shanehsaz, Calvin Freedman and David Dryden:

Proposed Rules and Regulations changes, to be reviewed and discussed at the next scheduled meeting on January 21, 2015. Mr. Dryden will forward the USP 795/797 to the board for review prior to the meeting.

**Pharmacy Technician Licensure Committee** – Kim Robbins, Tejal Patel, Kevin Musto, Maryanne Holzapfel, Anne Pyle, Susan Esposito and David Dryden:

Mr. Dryden presented the board with 2014 NABP Pharmacy Technician Survey licensure statistics for all states.

**Collaborative Care Committee** – Bonnie Wallner, Cheri Briggs, Cheryl Heiks, Drew Wilson, Deborah Hamilton, Joli Martini, Julie Miro-Wenger, Mark Thompson, Mike Perza, Nick Biasotto, Pooja Dogra, Tejal Patel, Terri Corbo, William Harbester, David Dryden:

No Report

### BOARD CORRESPONDENCE

Mr. Dryden provided a handout from NABP, Proliferation of Rogue Online Drug Sellers Feeds Prescription Drug Abuse Epidemic for the board to review.

Mr. Dryden provided a handout from NABP .Pharmacy available for Delaware Board of Pharmacy for the board to review. Delaware will utilize this domain to assist with Delaware questions presented to NABP a motion was made to apply for the grant to have Delaware added to the NABP domain by Ms. Esposito, seconded by Ms. Robbins to move forward with the request. The motion carried.

**EXECUTIVE SECRETARY, INSPECTION & PMP REPORT - David Dryden, Michelle McCreary, Samantha Nettesheim**

Mr. Dryden informed the board of several off site meetings attend by key personnel from the division. Highlights of those meetings include: NABP will have a meeting to discuss national inspections of compounding pharmacies. We continue to have support from the Federal Food and Drug Administration conducting sterile compounding inspections for applications received in state. The Prescription Monitoring Program geo-mapping project with the University of Delaware is underway. Mr. Dryden alerted the board of several robberies that occurred within the last month. He stated all necessary reports and inspections after the robberies were completed. He also stated that internal theft issues are on the rise. These issues are typically handled internally at the pharmacy level which creates concern for public safety. Mr. Dryden stated internal theft issues will now be reported to the Delaware State Police. Controlled Substance Committee has been working on Safe Opioid prescribing document. Mr. Dryden will forward to the board for review. Naloxone endeavors are on the rise. The Controlled Substance committee has taken action against Dr. Patrick Titus, suspending his registration for 1 year followed by 3 years' probation. An alert was sent to all pharmacies, emergency care facilities and drug treatment facilities within the state to inform them of possible influx of patients to their facilities. Michelle McCreary has been working to update the PIC Self-Inspection form as well a newly created Hospital PIC self-inspection form. The new forms will be available online in January 2015. Mr. Dryden shared that increased focus will be placed on inspections and the complaint process in 2015.

**NEWSLETTER UPDATES**

No Report

**OTHER BUSINESS BEFORE THE BOARD**

Inactive Status clarification - keep on agenda for more discussion Eileen Kelly DAG will provide more information during the next meeting.

Mandatory Consultation by Community R.Ph. – Ms. McCreary reported that there are some challenges with schedule changes to drugs which increased counseling time for unnecessary consultations when actual prescribed drugs haven't changed. Counseling has played a key role in reducing medication errors. Some feedback provided from stake holders is this is too restrictive and impossible to adhere to in the normal course of business. The board determined that a "Prescription Safety Committee" should be formed to address this and other issues.

Legality of Pharmacies Providing Kickbacks to Prescribers in Exchange for Referrals – a letter was provided to the board for review during the meeting on November 19, 2014. The board would like to keep this on the agenda for more discussion.

**PUBLIC COMMENT**

Tiffany Surey, Pharmacist, expressed support of the hands on CPR training due to recent events that required her to use her training recently on 2 different occasions. She stated that had she not had the hands on interaction during her training she would not have felt confident enough in her abilities. She stated little items such as a song provided to her to keep the proper rhythm during compressions made a huge difference in her effectiveness during the event. She would recommend all CPR classes be hands on because of her experiences recently.

**NEXT SCHEDULED MEETING**

The next meeting is scheduled for January 21, 2015 at 9:30 Am., Conference Room A 2<sup>nd</sup> floor.

**ADJOURNMENT**

There being no other business before the board a motion to adjourn the meeting was made by Ms. Martini, seconded by Ms. Robbins at 12:26 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mast". The signature is written in a cursive, flowing style with a large initial "M".

Christine Mast  
Administrative Specialist III